

S.N. 09/618,808  
Amendment dated Oct. 8, 2003  
Reply to Office Action dated May 8, 2003

### **REMARKS**

All of the original claims (1 – 46) have been cancelled and have been replaced by new claims 47 – 52. It is submitted that the new claims distinguish the invention from the references cited in the Office Action. Accordingly, reconsideration of the rejections and their withdrawal is respectfully requested.

Support for the new claims may be found throughout the specification, but particularly at pages 14 – 16 and 20 – 24.

Unlike the cited references, the present invention is not merely a shop locator nor a quality rating index. The invention involves coordinating a market for services in which a large number of service providers can compete for business on an equitable basis. A system that directs consumers exclusively to the service provider offering the lowest price leads to an undesirable, unstable market situation. In other words, if a market coordinating system simply directs consumers to the lowest cost shop, that shop becomes overwhelmed with business, the quality of service at that shop typically declines, and other shops have difficulty staying in business. This, in turn may drive competing shops into a price war in order to survive, with predictably disastrous results for all. Such a system is also undesirable in that it does not provide for customer individuality – i.e., some customers may wish to pay more for the convenience of a particular location or for the quality reputation of a particular shop rather than just being directed to the low cost provider. On the other hand, merely providing a rotating list of service providers reduces the incentive for competition.

The present invention provides a dynamic system whereby unique, competitive offers (i.e., extra discounts or free add-ons) enhance a shop's likelihood of being submitted to a consumer, but at the same time avoids price-cutting from dominating the selection process. The result is a healthier market, with encouragement for competition, and with greater consumer choice. Such a system is also attractive to service providers because it gives them the ability to actively control their competitive position in a particular market. No such system is disclosed nor suggested in the cited references.

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The invention, as defined by new claim 46, involves coordinating a service market between a paying organization, customers, and service providers. Although the invention may apply to a variety of service industries, an example is providing repairs (automobile or home) to consumers in accordance with the requirements of their insurance company (a "paying organization"). The initial steps are not unlike those in the prior art – maintaining a database of service provider information, receiving a service request from a customer, and matching that customer with a list of pre-approved and geographically appropriate service providers. Uniquely, the present invention employs a double ranking routine. The routine takes into consideration both the amount of time since a previous service assignment and competitive inducements of particular shops, and another list is generated that is a subset of the first list. This final list thereby includes shops that have the most competitive offers and shops that have the longest periods since last assignment. Options presented to the consumer are then taken from this final list.

The rejections under 35 USC 102 and 103 based on the Siegrist et al. reference (U.S. Pat. No. 5,652,842) ("Siegrist") are respectfully traversed. Additionally, the new claims serve to better define the invention and distinguish it from this reference. Siegrist discloses software for comparing performance of competing health care providers. The software compensates outcome scores to accommodate different types of patients seen and treatments provided. This appears to be limited to generating an after-the-fact evaluation report of service providers – there is no suggestion in the reference of a system for actively coordinating a market by matching service needs with service providers. It also appears that the scoring system in Siegrist is solely performance-based – there is no way for a provider to make competitively enhanced offers to elevate a service provider's ranking as recited in the claims here. Accordingly, it is submitted that Siegrist neither anticipates nor renders obvious claim 47 and the claims dependent thereon.

The rejections under 35 USC 102 and 103 based on the Safelite website are respectfully traversed. The archival date of June 20, 2000, of the website does not

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appear to make the website available as a reference against this application, which claims benefit of a priority filing date of July 28, 1999. In the event that substantially the same content existed at an earlier archival date, applicants wish to point out that the Safelite website neither anticipates nor renders obvious the invention as defined in the new claims. As best as can be determined from the website itself, the Safelite method appears to do no more than merely identify which shop among its affiliates is geographically closest to the customer needing repair services. This is only one of the several steps recited in new claim 47 here. Nothing in Safelite is seen as touching upon the double ranking features of the present invention as set forth in claim 47. The boast that Safelite "will beat any competitor's price" does not involve a ranking process for the service providers. It is merely an offer to negotiate a new price after a customer has been referred to a particular shop. Therefore, this advertising claim could not play a role in coordinating the selection of a particular service provider. Furthermore, since beating the competitor's price is apparently characteristic of all of the service providers in the Safelite database, it would not provide a basis for ranking individual shops. It can be concluded that Safelite does not anticipate nor render obvious the invention as defined in claim 47 and the claims dependent thereon.

The rejections under 35 USC 102 and 103 based on the Borghesi et al. reference (U.S. Pat. No. 5,950,169) ("Borghesi") are respectfully traversed. Borghesi does not deal with market coordination features as recited in the claims here. Rather, Borghesi involves electronically expediting the estimating, repair approval, and payment processes among a repair shop, an insurance company, and a policyholder. The process of matching a particular repair need with a particular repair shop is barely mentioned in Borghesi. At col. 16, lines 2 – 3, cited in the Office Action, it is stated merely that "the insurance company suggests 402 a DRP body shop," with no elaboration as to how that process is accomplished. The Office Action refers to col. 18, line 66 to col. 19, line 2 for allegedly showing competitive bidding. However, that cited portion of the reference does not involve selection of the repair shop – it merely describes a straightforward auctioning of salvaged parts

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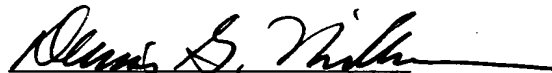
from a job declared to be a "total loss." This is substantially different from the market coordination method set forth in claim 47, which is not a simple auction. In short, the Borghesi reference includes very little information that is relevant to the present invention as set forth in new claim 47 and the claims dependent thereon.

Some of the original claims were rejected under a combination of Siegrist and the Safelite website. This rejection is respectfully traversed, and the combination of references is not seen as rendering obvious any of the new claims. First of all, it may be noted that software for sophisticated health care evaluation and a website for locating an auto glass repair shop are highly divergent from each other. There is no basis in the prior art itself to justify the assertion that it would be obvious to combine these two references. Furthermore, as pointed out above, neither reference deals with competitive market coordination in the manner set forth in the new claims here. Therefore, assuming that their disclosures could be combined, the result would not resemble the method recited in the new claims here.

The comments above make particular comparison of new independent claim 47 with the cited references. The new dependent claims 48 – 52 include additional features that further distinguish the invention from the cited references.

In summary, claims 47 – 52 are believed to be neither anticipated by nor rendered obvious by the references cited against the original claims. Accordingly, all of the currently-presented claims are believed to be in condition for allowance.

Respectfully submitted,



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